

REMARKS

Applicant respectfully requests entry of the foregoing amendments.

Applicant previously had elected Group I, pursuant to the restriction requirement set forth in the November 12, 2008 Office Action.

An Office Action was issued on February 3, 2009, to which this responds. The Office Action amended the prior restriction requirement. The prior restriction requirement included an identification of Groups, but not a species identification.

The current Office Action amended the restriction requirement and, in doing so, appears to request Applicant to make a species election. However, the Office Action (nor the prior Office Action) had ever set forth identifications of what the United States Patent and Trademark Office considers to be the species present in the application that Applicant is to elect. Applicant understands the MPEP section 800 et seq. to provide for the Examiner to identify the species (even if for searching) and have the Applicant respond by electing one (or more) of the species.

Applicant, in order to facilitate prosecution, has amended claim 1 to include the subject matter of claim 2. Claim 1 now more clearly particularizes the compounds, by reciting that at least one of the residues selected from the group consisting of R², R^{2'}, R^{2''}, R³, R^{3'} R^{3''}, R⁷, R^{7'}, R^{7''}, R⁸, R^{8'} and R^{8''} has one of the meanings selected from the group consisting of halogen and hydroxyl. Therefore, Applicant has identified a particular compound with halogen or hydroxyl components. Accordingly, in the event that the Examiner desires a species for searching

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purposes, a species of amended claim 1, wherein the residues R², R^{2'}, R^{2''}, R³, R^{3'} R^{3''}, R⁷, R^{7'}, R^{7''}, R⁸, R^{8'} and R^{8''} are selected from halogen and hydroxyl may be considered.

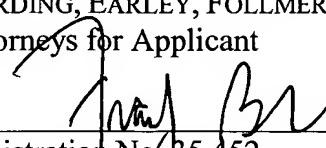
Applicant reserves the right to proceed with the claims, as originally filed and/or amended, in divisional applications, or in the current application, in the event a generic claim is allowed.

Early action on the case and examination of the pending claims is hereby earnestly solicited.

In the event that an extension of time, or further extension of time, is necessary, in order for this response to be timely filed, Applicant hereby respectfully requests the necessary extension.

The Commissioner is authorized to charge any additional fees, including extension fees, which may be required to Patent Office Deposit Account No. 05-0208.

Respectfully submitted,
Frank J. Bonini, Jr.
HARDING, EARLEY, FOLLMER & FRAILEY
Attorneys for Applicant


Registration No. 35,452
P. O. Box 750
Valley Forge, PA 19482-0750
Telephone: 610-935-2300

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